

## REMARKS

### **I. Introduction**

With the addition of new claims 32 and 33, claims 15 to 33 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicants note with appreciation the acknowledgment of the claim for foreign priority and the indication that all copies of the certified copies of the priority documents have been received.

Applicants thank the Examiner for considering the previously filed Information Disclosure Statement, PTO-1449 paper and cited references.

### **II. Objection to Claim 24**

Claim 24 was objected to based on certain alleged informalities. The Examiner will note that claim 24 has been amended herein without prejudice to change “86 wt.%” to -- 85 wt.% -- in accordance with the Examiner’s suggestion.

Withdrawal of this objection is respectfully requested.

### **III. Rejection of Claims 15 to 19, 23 to 25, and 27 to 29 Under 35 U.S.C. § 103(a)**

Claims 15 to 19, 23 to 25, and 27 to 29 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of U.S. Patent No. 5,650,235 (“McMordie et al.”) and U.S. Patent No. 6,183,888 (“Alperine et al.”). It is respectfully submitted that the combination of McMordie et al. and Alperine et al. do not render unpatentable the presently pending claims for at least the following reasons.

Claim 15 relates to a method for producing a corrosion-resistant and oxidation-resistant coating for a component part formed of a metal-based alloy including more of a base metal than all other alloy components, and includes, *inter alia*, applying a slip material. Claim 15 has been amended to recite that the slip material is applied at least from area to area onto the component part in one step while forming a slip layer. Support for the amendment, may be found, for example, on page 2, line 19 through page 3, line 4, and page 6, lines 17 to 25.

In contrast to the amended claim, McMordie et al. describe a method in which a platinum layer is deposited on a nickel-based alloy substrate, and then a

slurry of aluminum powder and silicon powder or an aluminum-silicon alloy powder is applied to the substrate and the substrate is heat-treated. That is, according to McMordie et al. the silicon and aluminum powder are not applied **in one step** along with the platinum, but rather is applied **to the previously deposited platinum layer** as a slurry (or electrophoretically) (also see, e.g., col. 9, lines 12 to 15 of McMordie et al. where it states that “the superalloy substrate is first platinum enriched before the application of aluminum and silicon by the multiple diffusion process.”). Thus, McMordie et al. do not disclose, or even suggest, all of the features of claim 15.

Alperine et al. do not cure this deficiency. Alperine et al. describe a method in which a powdered alloy containing chromium, aluminum and an active element is deposited on a nickel or cobalt-based specimen, and then a second deposit of a platinum group metal is electrolytically applied, and then the coating is heat-treated. The Examiner, on page 5, refers to col. 6, lines 64 to 67 of Alperine et al. for disclosing the feature of the material having the same base metal as the metal-based alloy, namely, a palladium-nickel alloy. However, the palladium-nickel alloy is deposited in a **separate step** (Step 2) from the powdered alloy containing chromium, aluminum and an active element deposited on the specimen (Step 1). Furthermore, the palladium-nickel alloy is **not** a **metal powder**. In contrast, the present claim requires that the material having the same base metal as the metal-based alloy be a metal powder.

The Examiner next points to col. 7, line 57 to col. 8, line 13 of Alperine et al. for disclosing the feature of the material having the same base metal as the metal-based alloy, namely, the MCrAly alloy, where M is the base metal such as Ni. The Examiner contends that it would have been obvious “to have incorporated...the MCrAly alloys” with the features of McMordie et al. since “such platinum rich alloys would achieve the predictable result of enhancing the substrate with a platinum group element to enhance oxidation and corrosion resistance.”

However, one skilled in the art would **not** be motivated to modify the coating of McMordie et al. with the MCrAly alloy of Alperine et al. since in McMordie et al., the aluminum powder (which is applied as a slurry) can only be applied **after** the platinum has been deposited, not together as a MCrAly alloy.

As such, the combination of McMordie et al. and Alperine et al. do not disclose, or even suggest, all of the features of claim 15. Therefore, it is respectfully

submitted that the combination of McMordie et al. and Alperine et al. do not render unpatentable claim 15.

As for claims 16 to 19, 23 to 25, and 27 to 29, which depend from claim 15, and therefore include all of the features included in claim 15, it is respectfully submitted that the combination of McMordie et al. and Alperine et al. do not render unpatentable these dependent claims for at least the reasons more fully set forth above.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

**IV. Rejection of Claims 20 and 26 Under 35 U.S.C. § 103(a)**

Claims 20 and 26 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of McMordie et al., Alperine et al., and U.S. Patent No. 5,997,604 (“Rafferty et al.”). It is respectfully submitted that the combination of McMordie et al., Alperine et al., and Rafferty et al. do not render unpatentable the presently pending claims for at least the following reasons.

Claims 20 and 26 depend from claim 15 and therefore include all of the features included in claim 15. As more fully set forth above, McMordie et al. and Alperine et al. do not disclose, or even suggest, all of the features included in claim 15. Rafferty et al. is not relied upon for disclosing or suggesting the features of claim 15 not disclosed or suggested by McMordie et al. and Alperine et al. Indeed, it is respectfully submitted that Rafferty et al. do not disclose, or even suggest, the features included in claim 15 not disclosed or suggested by McMordie et al. and Alperine et al. As such, it is respectfully submitted that the combination of McMordie et al., Alperine et al., and Rafferty et al. does not render unpatentable claims 20 and 26, which depend from claim 15.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

**V. Rejection of Claims 15 to 19, 21, 22, 25, and 27 to 29 Under 35 U.S.C. § 103(a)**

Claims 15 to 19, 21, 22, 25, and 27 to 29 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of McMordie et al., Alperine et al., and U.S. Patent No. 2,853,403 (“Mackiw et al.”). It is respectfully submitted that

the combination of McMordie et al., Alperine et al., and Mackiw et al. do not render unpatentable the presently pending claims for at least the following reasons.

As mentioned above, McMordie et al. and Alperine et al. do not disclose all of the features of claim 15.

Mackiw et al. does not cure this deficiency. Mackiw et al. relate to a method of producing composite metal powders. Nowhere, does Mackiw et al. disclose, for example, the feature of claim 15 of applying the slip material at least from area to area onto the component part in one step while forming a slip layer. As such, Mackiw et al. do not disclose, or even suggest, all of the features of claim 15. Therefore, it is respectfully submitted that Mackiw et al. do not render unpatentable claim 15.

As for claims 16 to 19, 21, 22, 25, and 27 to 29, which depend from claim 15, and therefore include all of the features included in claim 15, it is respectfully submitted that the combination of McMordie et al., Alperine et al., and Mackiw et al. do not render unpatentable these dependent claims for at least the reasons more fully set forth above.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

#### **VI. Rejection of Claims 20 and 26 Under 35 U.S.C. § 103(a)**

Claims 20 and 26 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of McMordie et al., Alperine et al., Mackiw et al., and Rafferty et al. It is respectfully submitted that the combination of McMordie et al., Alperine et al., Mackiw et al., and Rafferty et al. do not render unpatentable the presently pending claims for at least the following reasons.

Claims 20 and 26 depend from claim 15 and therefore include all of the features included in claim 15. As more fully set forth above, McMordie et al., Alperine et al., Mackiw et al., and Rafferty et al. do not disclose, or even suggest, all of the features included in claim 15. As such, it is respectfully submitted that the combination of McMordie et al., Alperine et al., Mackiw et al., and Rafferty et al. does not render unpatentable claims 20 and 26, which depend from claim 15.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

**VII. New claims 32 and 33**

Claims 32 and 33 are added herein. It is respectfully submitted that claims 32 and 33 add no new matter and are fully supported by the present application, including the Specification. Since claims 32 and 33 ultimately depend from claim 15, it is respectfully submitted that claims 32 and 33 are patentable over the references relied upon for at least the reasons set forth above in support of the patentability of claim 15.

**VIII. Conclusion**

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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